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PLEASE REPLY TO ROSELAND, N.J.

\*ALSO ADMITTED IN NEW YORK  
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WRITER'S DIRECT DIAL

April 23, 2008

**VIA FACSIMILE ONLY**

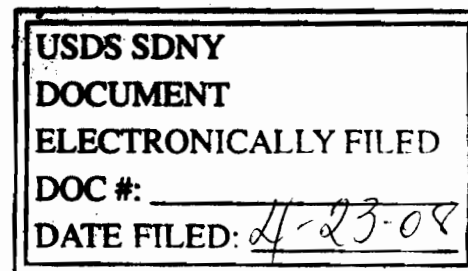
The Honorable Victor Marrero, U.S.D.J.  
 United States District Court  
 Southern District of New York - U.S. Courthouse  
 500 Pearl Street, Room 660  
 New York, New York 10007-1312

**Re: Days Inn Worldwide, Inc. v. JBS Inc., II, Jonathan B. Smith and Marci Singleton Smith**  
**Index No. 08-CV-0027 (VM)**

Dear Judge Marrero:

As Your Honor is aware, we represent plaintiff, Days Inn Worldwide, Inc. ("DIW"), in connection with the above-referenced matter. To date none of the defendants have entered an appearance or otherwise responded to the Court's April 4, 2008 endorsed letter scheduling a conference for April 25, 2008 at 9:30 a.m. Pursuant to Your Honor's instruction, we have provided defendants with a copy of plaintiff's Request for Default under cover of letter sent via facsimile and regular mail on April 22, 2008. We have submitted plaintiff's Request for Default (filed via ECF on March 27, 2008) directly to the Clerk's office for execution of the Clerk's Certificate of Default and are awaiting a response from the Orders and Judgments Department.

We have previously appeared before Your Honor on two occasions in this matter. Defendants did not appear, and we have no reason to believe they will appear for Friday's conference. Therefore, we respectfully request that the April 25, 2008 conference be adjourned



April 23, 2008  
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and that plaintiff be permitted to file a Motion for Final Judgment by Default in accordance with Your Honor's individual practices, forthwith.


Should Your Honor require anything further, we are available at the Court's convenience. Otherwise, we thank you for your time and attention to this matter.

Respectfully submitted,

  
Bryan P. Couch

BPC:MSS:lmv

cc: J. Boone Aiken, III, Esq. (via facsimile)  
JBS, Inc. II (via regular mail)  
Marci Singleton Smith (via regular mail)

<i>Request DENIED. The conference scheduled for 4-25-08 shall proceed. In the event defendants have not answered or do not appear at the conference, plaintiff may on that day file a motion for entry of final judgment by</i>	
<b>SO ORDERED: default.</b>	
<i>4-23-08</i>	
DATE	VICTOR MARRERO, U.S.D.J.